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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,247	10/24/2003	Donald A. Dorsey	CS23154RL	1437
20280	7590	09/22/2006	EXAMINER	
MOTOROLA INC 600 NORTH US HIGHWAY 45 ROOM AS437 LIBERTYVILLE, IL 60048-5343				ADDY, ANTHONY S
		ART UNIT		PAPER NUMBER
				2617

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/693,247	DORSEY ET AL.	
	Examiner Anthony S. Addy	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 July 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5,7,9-16 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,5,7,9-16 and 20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

2. This action is in response to applicant's amendment filed on July 05, 2006.
Claims 17-19 are cancelled, **claims 1-3, 5, 7, 9-16 and 20** are now pending in the present application.

Response to Arguments

3. Applicant's arguments filed on July 05, 2006 have been fully considered but they are not persuasive.

With respect to applicant's argument that, "All of the references cited require a location area update upon moving to a new cell in a different location area (see page 7, fourth paragraph and page 8, second paragraph of the response)," examiner respectfully disagrees and maintains that Jiang teaches and meets the claimed limitations of "changing to a new cell in a different location area than the first cell without performing a location area update and without performing a routing area update," since Jiang teaches no update location is performed if the network **hands over** the call to another MSC, because the original VLR/MSC still retains call control and just the radio part is handed over, and the second VLR gets the subscriber information from the earlier VLR (see p. 9 [0154, lines 7-11]).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In view of the above, the 35 U.S.C. 103(a) rejections using, Tani, Dalsgaard and Jiang, with regard to **claims 1-3, 5, 7, 9-16 and 20** are proper and are maintained as repeated below. The rejections are made FINAL.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-3, 5, 7, 9-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tani., U.S. Publication Number 2003/0157923 A1 (hereinafter Tani)** and **Dalsgaard et al., U.S. Patent Number 6,792,284 (hereinafter Dalsgaard)** and further in view of **Jiang et al., U.S. Publication Number 2004/0087305 A1 (hereinafter Jiang)**.

Regarding claims 1 and 20, Tani teaches an emergency call placement method (see Figs. 4 & 6) for user equipment (UE) in idle mode camped on an old cell to place a call with a wireless communication network having a first radio access technology (see paragraph 0042, line 1 through paragraph 0044, line 7 and Fig. 1; where mobile station 1 is shown in wireless communication with base stations 2-1 through 2-n) comprising

the steps of: (a) requesting a radio resource control connection using “emergency call” as an establishment cause (see paragraph 0125, line 1 through paragraph 0139, line 8 and Fig. 6); (c) completing a radio resource control connection setup, if a radio resource control connection setup message has been received from the wireless communication network (see paragraph 0125, line 1 through paragraph 0139, line 8 and Fig. 6); and (d) sending a connection management service request using an “emergency call establishment” as a service type (see paragraph 0139, lines 1-8 and Fig. 6; S37).

Tani fails to explicitly teach a method comprising the steps of: (b) changing to a new cell in a different location area than the old cell and returning to step (a).

Dalsgaard, however, teaches a method and arrangement for cell reselection, wherein a mobile terminal performs cell reselection to camp on a new cell in a different location area than the old cell (see col. 7, lines 60 through col. 8, lines 24 and Fig. 4). According to Dalsgaard, if permission to perform cell reselection is granted the terminal moves to be a user of the selected neighbor cell where it is offered services available in the neighbor cell (see col. 8, lines 20-23). One of ordinary skill in the art further recognizes that it would be obvious to return to step (a) of the method in the instant invention, to request a radio resource control connection using “emergency call” as an establishment cause as taught by Tani, since Dalsgaard teaches if permission to perform cell reselection is granted the terminal moves to be a user of the selected neighbor cell where it is offered services available in the neighbor cell.

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Tani with Dalsgaard to include a method comprising the steps

of: (b) changing to a new cell in a different location area than the old cell and returning to step (a), in order to request and allocate available resources in a new neighbor cell when resources of an old cell are exhausted, and thus complete a communication request to offer broader services to the mobile terminal as taught by Dalsgaard (see col. 6, lines 25-28).

The combination of Tani and Dalsgaard fails to explicitly teach wherein step (b) returns to step (a) without performing a steering area update.

Jiang, however, teaches a method for cellular network traffic redirection, wherein if a subscriber is in midst of a call, an Update Location is not sent to the Home Public Mobile Network (HPMN) when the subscriber moves between two VLR areas (see paragraph 0151, lines 1-5 and paragraph 0154, lines 1-4). According to Jiang, if the network just hands over the call to another MSC, no new Update Location (UL) is sent, because the original VLR/MSC still retains call control and just the radio part is handed over, and the second VLR gets the subscriber information from the earlier VLR (see paragraph 0154, lines 7-11). Jiang further teaches, since the Traffic Redirection network element blocks the Update Location messages, this implies that if the subscriber *is in the midst of a call, there will be no location update* (i.e. equates to changing to a new cell in a different steering area than the first cell without performing a location area update and without performing a routing area update) and hence there will be no affect on quality of service to the subscriber (see paragraph 0155, lines 1-5).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of not performing a location update during a

call and a cell reselection or redirection of Jiang, to the method of Tani and Dalsgaard to include a method, wherein the step (b) returns to step (a) without performing a steering area update, in order to maintain a quality of service during a call or cell reselection or redirection as taught by Jiang (see paragraph 0154, line 1 through paragraph 0155, line 5).

Regarding claim 2, the combination of Tani, Dalsgaard and Jiang teaches all the limitations of claim 1. Tani further teaches a method further comprising the steps of: receiving a radio resource control connection setup message, after the step of requesting again; completing a radio resource control connection setup, after the step of receiving (see paragraph 0125, line 1 through paragraph 0139, line 8 and Fig. 6); and sending a connection management service request using “emergency call establishment” as a service type (see paragraph 0139, lines 1-8 and Fig. 6; S37)

Regarding claim 3, the combination of Tani, Dalsgaard and Jiang teaches all the limitations of claim 1. Dalsgaard further teaches a method, wherein the new cell is in a different location area than the first cell (see col. 7, lines 60 through col. 8, lines 24 and Figures 4 & 6).

Regarding claim 5, the combination of Tani, Dalsgaard and Jiang teaches all the limitations of claim 3. Dalsgaard further teaches a method, wherein the new cell is in a different routing area than the first cell (see col. 7, lines 60 through col. 8, lines 24 and Figures 4 & 6).

Regarding claim 7, the combination of Tani, Dalsgaard and Jiang teaches all the limitations of claim 1. Dalsgaard further teaches a method, wherein the new cell is in a

different routing area than the first cell (see col. 7, lines 60 through col. 8, lines 24 and Figures 4 & 6).

Regarding claim 9, the combination of Tani, Dalsgaard and Jiang teaches all the limitations of claim 1. Dalsgaard further teaches a method, wherein the step of changing comprises redirecting to a new cell (see col. 7, lines 60 through col. 8, lines 24 and Figures 4 & 6).

Regarding claim 10, the combination of Tani, Dalsgaard and Jiang teaches all the limitations of claim 1. Dalsgaard further teaches a method, wherein the step of changing comprises reselecting to a new cell (see col. 7, lines 60 through col. 8, lines 24 and Figures 4 & 6).

Regarding claim 11, the combination of Tani, Dalsgaard and Jiang teaches all the limitations of claim 1. Dalsgaard further teaches a method, wherein the new cell has a same carrier frequency as the first cell (see col. 2, lines 36-48, col. 15, lines 42-56 and Fig. 6; where cells 2,4, 5 and 7 have the same carrier frequency).

Regarding claim 12, the combination of Tani, Dalsgaard and Jiang teaches all the limitations of claim 1. Dalsgaard further teaches a method, wherein the new cell has a different carrier frequency than the first cell (see col. 2, lines 36-48, col. 15, lines 42-56 and Fig. 6; where cells 2,4, 5 and 7 have the same carrier frequency and different from the carrier frequency of cells 1, 3, 6 and 8).

Regarding claim 13, the combination of Tani, Dalsgaard and Jiang teaches all the limitations of claim 1. Dalsgaard further teaches a method, wherein the new cell has a second radio access technology (see col. 7, line 60 through col. 8, line 29).

Regarding claims 14 and 15, the combination of Tani, Dalsgaard and Jiang teaches all the limitations of claim 13. The combination of Tani, Dalsgaard and Jiang further teaches the first radio access technology is wideband code division multiplex access (WCDMA) (see *Tani*, paragraph 0005, lines 1-5) and the second radio access technology is Global System for Mobile Communication (GSM) (see *Dalsgaard*, see Fig. 6).

Regarding claim 16, Tani teaches a method for user equipment (UE) in idle mode camped on an old cell to place a call with a wireless communication network (see Figs. 1 & 6) comprising the steps of: (a) requesting a radio resource control connection using "emergency call" as an establishment cause (see paragraph 0125, line 1 through paragraph 0139, line 8 and Fig. 6); (e) completing a radio resource control connection setup, if a radio resource control connection setup message has been received from the wireless communication network (see paragraph 0125, line 1 through paragraph 0139, line 8 and Fig. 6); and (f) sending a connection management service request using "emergency call establishment" as a service type (see paragraph 0139, lines 1-8 and Fig. 6; S37).

Tani fails to explicitly teach (b) redirecting to a new cell in a different location area than the old cell and returning to step (a), if a radio resource control connection reject message has been received from the wireless communication network with redirection to a new frequency; (c) redirecting to a new cell in a different location area than the old cell and returning to step (a), if a radio resource control connection reject message has been received from the wireless communication network with redirection to a new radio

access technology; (d) reselecting to a new call in a different location area than the old cell and returning to step (a), if a neighboring cell provides better service.

However, the process of a cell reselection or redirection to select a neighboring cell that provides better service is very well known in the art as taught for example by Dalsgaard. Dalsgaard teaches a method, wherein a terminal in idle mode utilizing basic GSM service and realizing the need for GPRS service performs a cell reselection or redirection to select a neighboring cell that supports GPRS service (see col. 7, lines 28-59 and Fig. 4). Dalsgaard teaches if a need for GPRS service is created, it is first examined if the current serving cell of the terminal supports the GPRS services, and if it is determined that the current cell does not support GPRS services, then the possibilities of a number of adjacent cells to provide the GPRS services are examined (see col. 7, line 60 through col. 8, line 5 and Fig. 4). According to Dalsgaard if a neighbor cell that performs GPRS service is found among the neighbor cells, a cell reselection according to the standard might be performed and if permission to perform cell reselection is granted the terminal moves to be a user of the selected neighbor cell where it is offered the GPRS services available in said cell (see col. 8, lines 5-29 and Fig. 4). One of ordinary skill in the art further recognizes that it would be obvious to return to step (a) of the method in the instant invention, to request a radio resource control connection using “emergency call” as an establishment cause as taught by Tani, since Dalsgaard teaches if permission to perform cell reselection is granted the terminal moves to be a user of the selected neighbor cell where it is offered services available in

the neighbor cell and also teaches an emergency call establishment as a parameter for a special cell access request (see col. 9, lines 7-65 and Table 2).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Tani with Dalsgaard to include a method comprising the steps of: (b) redirecting to a new cell in a different steering area than the old cell and returning to step (a), if a radio resource control connection reject message has been received from the wireless communication network with redirection to a new frequency; (c) redirecting to a new cell in a different steering area than the old cell and returning to step (a), if a radio resource control connection reject message has been received from the wireless communication network with redirection to a new radio access technology; (d) reselecting to a new call in a different steering area than the old cell and returning to step (a), if a neighboring cell provides better service, in order to allow a terminal in idle mode utilizing basic GSM service and realizing the need for GPRS service to perform a cell reselection or redirection to select a neighboring cell that supports GPRS service as taught by Dalsgaard (see col. 7, lines 28-59 and Fig. 4).

Tani in view of Dalsgaard fails to explicitly teach a method, wherein the steps (b), (c) and (d) returns to step (a) without performing a steering area update.

Jiang, however, teaches a method for cellular network traffic redirection, wherein if a subscriber is in midst of a call, an Update Location is not sent to the Home Public Mobile Network (HPMN) when the subscriber moves between two VLR areas (see paragraph 0151, lines 1-5 and paragraph 0154, lines 1-4). According to Jiang, if the network just hands over the call to another MSC, no new Update Location (UL) is sent,

because the original VLR/MSC still retains call control and just the radio part is handed over, and the second VLR gets the subscriber information from the earlier VLR (see paragraph 0154, lines 7-11). Jiang further teaches, since the Traffic Redirection network element blocks the Update Location messages, this implies that if the subscriber *is in the midst of a call, there will be no location update* (i.e. equates to changing to a new cell in a different steering area than the first cell without performing a location area update and without performing a routing area update) and hence there will be no affect on quality of service to the subscriber (see paragraph 0155, lines 1-5).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of not performing a location update during a call and a cell reselection or redirection of Jiang, to the method of Tani and Dalsgaard to include a method, wherein the steps (b), (c) and (d) returns to step (a) without performing a steering area update, in order to maintain a quality of service during a call or cell reselection or redirection as taught by Jiang (see paragraph 0154, line 1 through paragraph 0155, line 5).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S. Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Anthony S. Addy
September 18, 2006



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